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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

MERIX PHARMACEUTICAL)
CORPORATION,)
	No. 09 C 5871
Plaintiff,)
) Judge David H. Coar
) (Magistrate Judge Young B. Kim)
V.)
)
EMS ACQUISITION CORPORATION,)
Defendant.)

PARTIES' JOINT MOTION FOR LEAVE TO OBTAIN TRANSCRIPT OF CONFIDENTIAL SETTLEMENT PLACED ON THE RECORD BY THE HONORABLE YOUNG B. KIM ON OCTOBER 15, 2010

Merix Pharmaceutical Corporation ("Merix"), by and through its undersigned attorneys, by agreement of both Plaintiff and Defendant, EMS Acquisition Corporation ("EMS"), respectfully requests leave for both parties to obtain a copy of the transcript of the confidential settlement agreement placed on the record by Honorable Young B. Kim on October 15, 2010.

Counsel for both parties (Merix and EMS) respectfully and jointly request a copy of the transcript of that confidential settlement agreement, which was placed on the record on October 15, 2010 and which is under seal, for use in fulfilling their respective obligations under said agreement.

RESPECTFULLY SUBMITTED,

DATED: October 18, 2010

/s/ Richard Kirk Cannon
Richard Kirk Cannon
Law Offices of Cannon & Associates
117 S. Cook St., #361
Barrington, IL 60010
(847)867-9640

Attorneys for Plaintiff Merix Pharmaceutical Corporation

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CERTIFICATE OF SERVICE

I, Richard Kirk Cannon, caused to be served a copy of the foregoing:

PARTIES' JOINT MOTION FOR LEAVE TO OBTAIN TRANSCRIPT OF CONFIDENTIAL SETTLEMENT PLACED ON THE RECORD BY THE HONORABLE YOUNG B. KIM ON OCTOBER 15, 2010

by filing same with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following counsel of record:

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/s/ Richard Kirk Cannon